

A close-up photograph of a woman's hands hovering just above a crystal ball. She has bright red manicured nails and is wearing several gold and silver rings on her fingers. Her hands are positioned as if she is about to touch or is channeling energy into the crystal ball. The background is dark and out of focus, showing hints of a red garment and a gold necklace.

To Reprint or Not?

2023 Fall Clerks' Association District Meetings

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Acronyms

- ABS = absentee
- CEB = county election board
- SVRS = statewide voter registration system

Upcoming Ballot Related Deadlines

- Sept 1, 2023 = Deadline to inform party chairs that sample ballot is ready to review
 - Share with superintendent, too, if there is a school related public question on the ballot
- Sept 8, 2023 = Deadline for chairs (& superintendent, if applicable) to provide feedback on ballot
- Sept 8, 2023 = Deadline for CEB to estimate the number of ABS ballots needed for November election
- Sept 18, 2023 = Deadline for CEB to receive ABS ballots (or file, if ballots printed on demand)

Upcoming Ballot Related Deadlines

- Sept 23, 2023 = Deadline for CEB to send ABS ballots to voters with approved applications
 - Remember to request a new ballot ready date before 9/23/23, if county intends to send ballots out before deadline!
 - Must mail ABS ballots the same day the application is approved, after this initial push
- Oct 7, 2023 = End of “early” ballot vacancy period (IC 3-13-1)
- Oct 8, 2023 = Start of “late” ballot vacancy period (IC 3-13-2)

REPRINTING BALLOTS

- Error or Omission
- Candidate Withdrawal
- Replacement
Candidates



Correcting a Ballot Error or Omission

1) CEB conducts a public meeting

- Discuss issue
- Agrees to reprint the ballot

2) CEB conducts a public hearing

- Notifies parties that have an interest in the error or omission
- Hear testimony
- Makes findings of fact:
 - Number of ballots, if any, containing the error or omission that have already been cast
 - Cost of correcting the error
 - Whether error or omission would likely cause confusion
 - Whether any voter objects to the use of ballots

Correcting a Ballot Error or Omission

2) CEB conducts a public hearing

- DO NOT reprint ballot if:
 - Voter does NOT file a written objection to use defective ballot before end of hearing AND
 - CEB determines the error would not likely cause voter confusion
- DO reprint ballot if:
 - Voter DOES file a written objection to use defective ballot before end of hearing OR
 - CEB determines the error would cause voter confusion

Former Candidates

- NEW! Updated definition that refers to an individual who was a candidate for an election AND:
 - Died before the election
 - Withdrawn
 - Convicted of a felony under IC 3-8-1-5
 - Removed by court order under IC 3-8-7-29(d)
 - Candidate moved out of election district but did not withdraw
 - Statute to file lawsuit to have candidate removed

Former and New Candidates

- Have ballots been printed?
 - No – remove former candidate's name from the ballot before printing
 - Yes – MUST reprint, if:
 - Ballot vacancy is filled not later than NOON, FIVE days before the election
 - Ballot vacancy filled after NOON, FIVE days before election?
 - CEB is not required to reprint ballot but may do so
 - Ballot vacancy NOT filled?
 - CEB is not required to reprint ballot
 - Candidate dies AND CEB
 - Receives a certificate of death not later than NOON, SEVEN days before the election OR
 - Votes unanimously there is good cause the candidate has died
 - CEB can print “no candidate” or similar wording, if needed

Public Test & Reprinted Ballots

- If public test has not been conducted, then CEB proceeds as usual with new ballots included
- If public test HAS been conducted, then CEB MUST conduct a new public test if ballots are reprinted
 - If a public test has to be redone, then Open Door Law notice of the public test meeting must be given BUT
 - No publication of the notice of the second public test needs to be place in the newspaper



REPLACEMENT BALLOTS

- Spoiled, Lost or Defective Ballot (ABS-5)
- Surrendering ABS Ballot
- Rejected ABS Ballot (ABS-21)
- ABS Ballot Never Arrived (PRE-5)

Lost, Spoiled & Defective Ballots

- ABS-5 used BEFORE Election Day to replace a:
 - Defective absentee ballot
 - Reprinted a ballot? CEB may proactively reach out to voters, but not required to do so
 - Lost absentee ballot
 - Voter's original ballot arrives after new absentee delivered? Voter does not need to send back but should be instructed to destroy it
 - Spoiled absentee ballot
 - Voter makes a mistake on original ballot? Not required to send back original ballot but should be instructed to destroy it
 - Missing signature on absentee ballot envelope
 - Voter can file an ABS-5 to request a replacement absentee, though ABS-18A is probably easier all around
 - ABS-18A is notice for a missing signature on absentee materials
 - Voter needs to file the affidavit not later than noon, 8-days after election day for absentee to be counted, if voter otherwise eligible

ABS-5 Steps

- Voter must FIRST complete & file ABS-5 with CEB
 - Can be mailed, hand-delivered, faxed or emailed
- County delivers replacement ABS ballot to voter
 - Could occur during early voting
 - EXAMPLE: Voter lives in a precinct where ballot was re-printed. Complete ABS-5 and new absentee issued or “delivered” by ABS voter board at early voting location
 - May be replaced by mail or, if applicable, travel board
- If voter’s original ballot is returned:
 - Write “cancelled” on the envelope; AND
 - Place it in “defective ABS” bag

Defective Ballot NOT Replaced

- If voter does NOT file ABS-5 to request a replacement ballot, then:
 - Proceed with reviewing absentee ballot materials
 - First signature review, typically BEFORE Election Day
 - Election Day bi-partisan review
 - Count defective ABS ballot, if voter found eligible
 - Must remake ballot so tabulator counts for candidate officially on the ballot on election day
 - Bi-partisan team needs to place a serial number on original ballot & same serial number on new ballot
 - Bi-partisan team affixes initials on new ballot card
 - Bi-partisan team determines voter's intent when completing replacement ballot

Surrendering ABS Ballot

- Voter receives ABS ballot & wants to vote in-person
 - BEFORE Election Day
 - Voter must bring original ballot to surrender
 - ABS voter board places write “cancelled” on the envelope & places it in “Defective ABS” Envelope
 - Voter must complete the ABS-5
 - Voter issued an absentee ballot at early voting location, if otherwise qualified
 - ON Election Day
 - Voter must bring original ballot to surrender
 - Poll worker marks on the ABS envelope “cancelled” and places ballot in “Spoiled Ballot” Envelope
 - No form for voter to complete BUT must sign poll list
 - Contact CEB to take steps to allow voter to sign poll book
 - Voter issued a REGULAR ballot, if otherwise qualified

Rejected ABS Ballot (ABS-21)

- On ELECTION DAY, if bi-partisan central count team rejects an ABS ballot, then voter:
 - May appear before CEB not later than 5PM on Election Day
 - Receive the ABS-21 form from CEB
 - Goes to polling location before polls close
 - Presents ABS-21 form to poll workers
 - Signs poll list
 - Contact CEB to determine best way to affix signature on ePB
 - Votes a REGULAR ballot, if otherwise qualified

ABS Ballot Never Arrived (PRE-5)

- On ELECTION DAY, if voter's absentee never arrived:
 - Voter completes the PRE-5 at their polling location
 - Voter has no ballot to surrender!
 - Voter signs poll list
 - Contact CEB to ask how to affix signature
 - Voter issued a REGULAR ballot, if otherwise qualified

Public Notices

- Public Test
- Notice of Election (CAN-39)
- List of Election Day Polling Locations



Public Test of Voting Systems

- Requires TWO notices:

- 1) Publication in newspaper at least 48-hours before meeting is held

- 48-hours based on calendar days
- Public test held on Monday, September 11, 2023, could be noticed in newspaper as late as Saturday, September 9, 2023

- 2) Posted notice on public notice board at least 48-hours before meeting is held

- 48-hours based on business days in Open Door Law, meaning weekends and observed holidays do NOT count!
- Public test held on Tuesday, September 5, 2023, requires notice to be posted not later than Thursday, August 31, 2023
 - Saturday/Sunday don't count; Monday, September 4 is holiday, so does not count

CAN-39: Legal Notice of Election

- Following must be published in a newspaper not later than 21-days before Election Day:
 - Offices on the ballot
 - Candidate names & addresses not required to be on notice
 - Public question, if applicable
 - Dates, times & locations of early voting sites (including at the circuit court clerk's office)
- CAN-39 can be generated in SVRS
 - Make sure ALL offices are tied to the election & early voting information entered correctly!

Election Day Polling Location List

- No state form
- Required to publish ALL Election Day voting locations in newspaper not later than 21-days before the election
 - CEB (NOT county commissioners) responsible for publication & payment
 - Recent law change for vote center counties to align with non-vote center counties

Newspaper Publication

- Standards are found in IC 5-3, generally
- Never published notice in newspaper before?
 - Speak to other county colleagues like County Auditor or County Attorney that regularly send notices to be published
 - They could provide guidance on which publications to reach out to have notices published
 - Or if there is no newspaper to publish in the county help explain how their office complies with publication law



QUESTIONS?

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